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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,514	10/03/2003	Hugh William Adams JR.	YOR920000754US3	1909

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EXAMINER

MANCHO, RONNIE M

ART UNIT	PAPER NUMBER
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3663

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/678,514	Applicant(s) ADAMS ET AL.	
	Examiner Ronnie Mancho	Art Unit 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☐ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application (PTO-152) |
| 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In independent claims 1, 7, and 10, the applicant does not disclose the limitation “a communication interface for communicating with one or more signal sources located at one of the respective locations proximate to the position detection device each of the signal sources having information about its respective location, each of the signal sources comprising at least one radio frequency wireless identification tag that is stimulated by at least one signal sent from the communication interface and that returns the information to the communication interface” in combination with the other limitations. Such combination of limitations in the claims was not enabled.

As an example, applicant's fig. 1 show two signal sources 110, 120 belonging to a users of a navigation system. These signal sources were not assigned any locations in applicant's disclosure. The signal sources belonging to the users make a query about information related to navigation from a host (100, 130, 140).

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The applicants later in the claims call for “a position detection device” and “a signal source”. Careful examination of applicant’s disclosure reveals that the claimed “a position detection device” and “a signal source” refer to the same entity. Applicants are therefore required to show the difference between the two limitations for enablement purposes.

That is, the applicant claims that “the position detection device” moves. On the other hand, the specification indicates that the signal sources 110, 120 move.

It is therefore is confusing how these limitations in the claims work. Applicants have the burden to identify and clarify each and every limitation in the claims.

Remark

3. The appeal brief has not been entered because of the new 112 rejection. The application is therefore non final.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-13 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by DeLorme et al (5938040).

Regarding claim 1, DeLorme et al disclose a position detection device (203, figs. 2&3; col. 30, lines 58+; col. 73, lines 8-17) comprising:

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one or more memories (221, 223 figs. 2&3) that store a set of position points (waypoints, col. 32, line 49) defining assigned respective locations (waypoints, col. 32, line 49) within one or more physical areas (col. 30, lines 58; col. 32, lines 46+; see maps fig. 5);

a communication interface (903, col. 71, lines 60-67; 927, 929, 931, fig. 9A; col. 72, lines 1-17) for communicating with one or more signal sources (905, 906, figs. 9A&B) located at one of the respective locations (waypoints, col. 32, line 49) proximate to the position detection device 203 (col. 73, lines 8-17; col. 30, lines 58+), each of the signal sources (905, 906) having information (see GPS 908, fig. 9A, col. 72, lines 1-19) about its respective location, each of the signal sources (905, 906) comprising at least one radio frequency wireless identification tag (col. 32, lines 1-26; col. 74, lines 30+) that is stimulated by at least one signal sent from the communication interface and that returns the information to the communication interface;

a path process (figs. 4-6, col. 44, lines 42 thru col. 45, lines 27) that defines one or more paths connecting one or more of the position points in response to a user query (906, figs. 9B), the path process further accessing the information (see GPS 908, fig. 9A, col. 72, lines 1-19) from one or more of the signal sources (905, 906) to determine a progress of the position detection device through the physical area as defined by the path; and

an interface (903, col. 71, lines 60-67; 927, 929, 931, fig. 9A; col. 72, lines 1-17) that communicates the progress of the position detection device through the physical area to the user.

Regarding claim 2, DeLorme et al disclose the device, as in claim 1, wherein the physical area (see maps fig. 5) includes any one or more of the following: a street, an interior of a building, a transit station, a retail store, and a town.

Regarding claim 3, DeLorme et al disclose the device, as in claim 1, wherein the information includes non-position information (police, camp, eat, etc fig. 5; col. 45, lines 15+) about the respective location.

Regarding claim 4, DeLorme et al disclose the device, as in claim 3, where the non-position information (police, camp, eat, hotel, etc fig. 5; col. 45, lines 15+) includes any one or more of the following information types:

a building name, an address, a surname, a business name, a work place, a hotel, a restaurant, a civic directory, a performance program, a residence address, a directory of occupants, a set of directions to a next location, a warning, a designation of one or more obstacles, a route, a public announcement, a government notice, tourist information, and exhibit information.

Regarding claim 5, DeLorme et al disclose the device as in claim 1, wherein the interface (903, col. 71, lines 60-67; 927, 929, 931, fig. 9A; col. 72, lines 1-17) further comprises a tactile map interface (933, col. 3, lines 54-63) that updates (col. 74, lines 5+; col. 75, lines 52+; col. 76, lines 1-6; col. 73, lines 54-64) a tactile map to indicate a current user position and at least one direction to a destination.

Regarding claim 6, DeLorme et al disclose the device as in claim 5, wherein the interface (903, col. 71, lines 60-67; 927, 929, 931, fig. 9A; col. 72, lines 1-17) further comprises a speech synthesis module that converts the progress from text to audio (col. 73, lines 54-64).

Regarding claim 7, DeLorme et al (figs 1-9) disclose a method for determining a position of a user comprising the steps of:

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storing in a memory (221, 223, fig. 2&3) a set of position points (waypoints, col. 32, line 49) defining assigned locations (waypoints, col. 32, line 49) within one or more physical areas (col. 30, lines 58; col. 32, lines 46+; see maps fig. 5);

communicating (903, col. 71, lines 60-67; 927, 929, 931, fig. 9A; col. 72, lines 1-17) with one or more signal sources (905, 906, figs. 9) located at one or more of the assigned locations (waypoints, col. 32, line 49) proximate to a position detection device (203, figs. 2&3; col. 30, lines 58+; col. 73, lines 8-17), each of the signal sources (905, 906) having information (see GPS 908, fig. 9A, col. 72, lines 1-19) about the respective assigned location (col. 73, lines 1+), each of the signal sources (905, 906) comprising at least one radio frequency identification tag (col. 32, lines 1-26; col. 74, lines 30+) stimulated by at least one signal sent from the communication interface and that returns the information to the communication interface;

defining one or more paths (figs. 4-6, col. 44, lines 42 thru col. 45, lines 27) connecting one or more of the position points in response to a user query (906, fig. 9B);

accessing the information (see GPS 908, fig. 9A, col. 72, lines 1-19) from one or more of the signal sources (905, 906) to determine a progress of the position detection device through the physical area as defined by the path; and

communicating (903, col. 71, lines 60-67; 927, 929, 931, fig. 9A; col. 72, lines 1-17) the progress of the position detection device through the physical area to the user.

Regarding claim 8, DeLorme et al disclose the method as in claim 7, wherein the step of communicating further comprises the step of updating (col. 74, lines 5+; col. 75, lines 52+; col. 76, lines 1-6; col. 73, lines 54-64) a tactile map to indicate a current user position and at least one direction to a destination.

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Regarding claim 9, DeLorme et al disclose the method as in claim 8, wherein the step of communicating further comprises the step of converting the progress from text to audio (col. 73, lines 54-64).

Regarding claim 10, DeLorme et al disclose a system for determining a position of a user comprising:

means (fig. 2&3) for storing in a memory (221, 223, fig. 2&3) a set of position points (waypoints, col. 32, line 49) defining assigned respective locations (waypoints, col. 32, line 49) within one or more physical areas (col. 30, lines 58; col. 32, lines 46+; see maps fig. 5);

means (903, col. 71, lines 60-67; 927, 929, 931, fig. 9A; col. 72, lines 1-17) for communicating with one or more signal sources (905, 906, figs. 9A&B) located at one of the respective locations (waypoints, col. 32, line 49) proximate to a position detection device (203, figs. 2&3; col. 30, lines 58+; col. 73, lines 8-17), each of the signal sources (905, 906, figs. 9A&B) having information (see GPS 908, fig. 9A, col. 72, lines 1-19) about the respective location (col. 73, lines 1+), each of the signal sources (905, 906) comprising at least one radio frequency wireless identification tag (col. 32, lines 1-26; col. 74, lines 30+) stimulated by at least one signal sent from the communication interface and that returns the information to the communication interface;

means (figs. 4-6, col. 44, lines 42 thru col. 45, lines 27) for defining one or more paths connecting one or more of the position points in response to a user query (906, fig. 9B);

means (903, col. 71, lines 60-67) for accessing the information (see GPS 908, fig. 9A, col. 72, lines 1-19) from one or more of the signal sources (905, 906) to determine a progress of the position detection device through the physical area as defined by the path; and

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means (903, col. 71, lines 60-67; 927, 929, 931, fig. 9A; col. 72, lines 1-17) for communicating the progress through the physical area to the user.

Regarding claim 11, DeLorme et al disclose the system as in claim 10, wherein the means for communicating (903, col. 71, lines 60-67; 927, 929, 931, fig. 9A; col. 72, lines 1-17) further comprises a means for updating (col. 74, lines 5+; col. 75, lines 52+; col. 76, lines 1-6; col. 73, lines 54-64) a tactile map to indicate a current user position and directions to a destination.

Regarding claim 12, DeLorme et al disclose the method as in claim 11, wherein the means for communicating further comprises means for converting the progress from text to audio (col. 73, lines 54-64).

Regarding claim 13, DeLorme et al disclose the device as in claim 1, wherein the wireless identification tag includes any one or more of the following: a radio frequency transmitter, an infrared transmitter, and a radio frequency identification tag.

Communication

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 703-305-6318. The examiner can normally be reached on Mon-Thurs: 9-5.

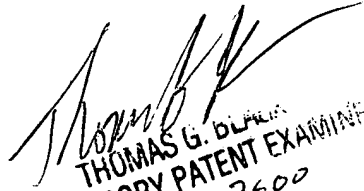
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Black can be reached on 703-305-8233. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Ronnie Mancho
Examiner
Art Unit 3661

June 13, 2005.


THOMAS G. BLUM
SUPERVISORY PATENT EXAMINER
GROUP 3600